S.B. CIVIL WRIT PETITION NO.4917/2002
State of Rajasthan vs. Sardar Puri & anr.

Date : 14.2.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. B.L. Tiwari, Dy. GA, for the petitioner State.
Mr. L.D. Khatri, for the respondent no.1.

- - - - -

Heard learned counsel for the parties.

The petitioner is aggrieved against the order of Board of Revenue dated 4.9.2000 by which the Board of Revenue found that the allotment authority after complete enquiry into the facts, allotted the land to the respondent no.1 and, therefore, the allotment should not have been cancelled by the Commissioner Colonisation, Bikaner vide order dated 24.9.1999.

According to learned counsel for the petitioner, the respondent no.1 was doing the job of lock repairing and, therefore, he was not landless agriculturist eligible for allotment of land.

It is clear from the facts mentioned in the order of the Board of Revenue that this fact was also considered by the Board of Revenue in its order dated 4.9.2000 and, therefore, the Board of Revenue rightly set aside the order of Commissioner, Colonisation.

It is not in dispute that the land was allotted to the petitioner in the year 1994 and now more than 11 years have already passed.

In view of the above fact, in addition to the fact that the respondent no.1 was doing the work of lock repairing, which is a petty work which the respondent no.1 was doing to earn his livelihood, it cannot be considered as a disqualification and that fact was in the knowledge of the allotting authority.

In view of the above, this writ petition having no force, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya